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that the grant of extralateral rights contained in § 2322, U. S. Rev. Stat. is not confined to "mining locations made," in the first instance, "on any mineral vein, lode, or ledge." Mill-sites and placers have no "end lines" within the spirit of the statute. Mr. Costigan certainly would not contend that § 2320 applied to mill-sites and placers, and yet in the original act of 1872, §§ 2320 and 2322 stood in juxtaposition.

It is to be regretted that in a work which gives evidence of such painstaking preparation a more complete index is not provided, and that there should not be more cross references.

There are other criticisms that could be made of Mr. Costigan's work, but they are of a minor character, and it is not the reviewer's desire to do otherwise than convey the impression that this work possesses exceptional merit. Because of its excellence and comparative cheapness, the book should find favor with students of mining law, and it should also have a place in the library of every attorney who has occasion to deal with the many and intricate problems connected with this branch of the law.

W. E. C.

THE LAW OF CHILDREN AND YOUNG PERSONS IN RELATION TO PENAL OFFENSES. By L. A. Atherley Jones and Hugh H. L. Bellot. London: Butterworth & Co. 1909. pp. xxv, 380. 8vo.

This book deals with the British Acts under which young children are guarded against the cruelty or negligence of parents or guardians, and in later life their employment in the mine, the factory, the workshop, and the field is regulated. The law relating to the punishment and reform of juvenile offenders is considered, and their industrial training and general education so far as it is regulated by statute is explained. The book is in the form of a commentary on the Children Act of 1908. This Act, which was passed a year ago by the efforts of Mr. Samuel, the under Secretary of State for the Home Department, has improved and codified the law of children in England and has done for children what our Juvenile Court Acts have done in this country. Its passage is a part of the world-wide movement for the protection and reclamation of the young. It is surely one of the most beneficial tendencies of the new century that statesmen and reformers are turning their attention to the children; for if they are properly brought up most of the problems of adult pauperism and crime can be easily handled.

The work of the authors of this book consists in an annotation of the new Act, section by section. The work is well done, and in parts the authors are able to throw much light, in advance of judicial explanation, upon the meaning of the clauses. While directly adapted for British readers only, the book will be most helpful to all who have to do with the administration of juvenile laws in this country.

J. H. B.

CASES ON THE CONFLICT OF LAWS. By Ernest G. Lorenzen. American Case Book Series. James Brown Scott, General Editor. St. Paul: West Publishing Company. 1909. pp. xxi, 784. 8vo.

There is a growing feeling among lawyers that law books of all kinds—official and unofficial reports, collections, digests, and treatises—have been increasing in number too rapidly. The profession is being overwhelmed by printed matter. It is impossible to keep pace with current legal literature. Yet the existence of a good treatise in a particular field has rightly enough never been considered a reason why another author should not enter the same field; for the opinions and judgments on the law, even of men of equal training, experience, and natural ability, do not always coincide, and the statement of those opinions and judgments—conceding the author to be a man of good training, experience, and natural ability—is always of advantage to the profession.

But the reasons justifying two treatises in the same field do not apply to the case book. The case book is primarily, if not exclusively, for the use of the law student. It is to supply him, in convenient form, with decisions of the courts from the study and discussion of which he can find for himself the fundamental principles of law. If made by a master of the subject, the case book will contain all the leading cases. The collection of a second compiler in the same field—assuming he is a man who will seek the best cases and not merely ones his forerunner has not selected—must necessarily include substantially the same cases. He may arrange his cases in different order, but taken as a whole, in books of equal size, the material will be much the same.

With the spread of the "case system" of instruction, case books were made by teachers of the various subjects included in the ordinary law school curriculum. Before this year there was at least one good case book in almost every subject taught in the schools. It may be open to question, therefore, whether the production of a new series of case books to cover the whole field of law is warranted, whether the effort thus given, in a large measure, to duplicating work might not better have been expended by the same learned gentlemen in the production of good modern treatises for which there is both room and need. But this criticism is general rather than specific.

In the field of Conflict of Laws Professor Beale's collection of cases has since its publication held a very high place, not only because of the merit of the selection, but because of the valuable notes and summary. Far more than any modern treatise it has had influence in the development of this branch of the law. Professor Lorenzen acknowledges the assistance he derived from this collection, and then says: "For want of better or equally good illustrative cases, it has become necessary to reproduce in this work many of the cases used by Professor Beale." Why, then, should the author have devoted his time to the production of a new case book? By this question the reviewer does not mean to intimate even remotely that Professor Lorenzen has not done original work. Far from it. He has made a different division of the subject, the advantages of which the reviewer—long familiar with Professor Beale's book—cannot at once appreciate, but which Professor Lorenzen's experience in teaching no doubt dictates. He has unquestionably put in his text or notes all the important and noteworthy cases of recent years in the field of Conflict of Laws. The footnotes which are added to many of the cases are scholarly and valuable. They contain not only American and English cases in accord and *contra* the case in the text, but also statements of the Continental law as represented in the jurisprudence of France, Germany, and Italy, together with collections of decisions of the courts of those countries. The value of familiarizing the student with Continental law in this field cannot be overestimated. The Conventions of the Hague relating to Conflict of Laws—the importance of which must soon be felt—are appended. A serviceable index adds to the usefulness of the book.

We cannot but regret that the learning and industry of Professor Lorenzen, clearly seen in his collection of authorities and in his notes, was not applied to the production of a work that would be of more general use to the profession.

One criticism of the physical make up of the book may be ventured. If, instead of part number and chapter number, chapter and section numbers were put at the tops of the pages, and if instead of page after page headed "General Provisions," "Particular Subjects," and similar titles, the names of the cases were printed there, the book would be easier to use. S. H. E. F.

PROCEDURE IN INTERSTATE COMMERCE CASES. By John B. Daish. Washington: W. H. Lowdermilk & Co. 1909. pp. xiv, 494. 8vo.

This book should be in the hands of every one who practices before the Interstate Commerce Commission. It contains practically all the requisite

matter sufficiently well arranged to be of immediate service. It does not pretend, however, to go far into the substantive law involved. Indeed, there is practically no discussion of the theory of the regulation of railroad rates. As a special book for the practitioner, it has the peculiar value of being the work of one versed in what he is describing. B. W.

A TREATISE ON GUARANTY INSURANCE AND COMPENSATED SURETYSHIP.

By Thomas Gold Frost. Second Edition. Revised and Enlarged. Boston: Little, Brown and Company. 1909. pp. liv, 770. 8vo.

This work follows in the main the outline of the first edition which was discussed in 15 *HARV. L. REV.* 759. About two hundred and fifty pages have been added and the later decisions are discussed. The subject of Official Bonds is treated under a separate head, and the chapter on Contract Insurance is greatly amplified. The subject of subrogation also receives more extended treatment, and included in the same chapter with it is a short discussion of the rights of contribution and exoneration.

The faults commented upon in the review of the first edition are apparent in this revision. The author treats the contract of the compensated surety as one of insurance and not of suretyship. Though it is true that some of the cases do refer to the contract as one of insurance, which, in a sense, it is, yet there seems to be no more justification than there was at the time the work first appeared, so far as the later decisions show, for discussing the subject with such little reference to the general principles of suretyship. The text abounds with extended statements of the facts of certain cases and long excerpts, sometimes of two and three pages, from opinions with but little comment by the author in most instances. There is also frequent repetition, an instance of which is where section 28 of over two pages is repeated practically verbatim in section 198. The author's narrow treatment of his general subject seems hardly to warrant so much space as he gives to it or such extensive discussions of the facts of individual cases. S. ST. F. T.

DIE GESCHICHTE DES ENGLISCHEN PFANDRECHTS. By Dr. jur. Harold

Dexter Hazeltine, Reader in English Law an der Universität Cambridge. Breslau: Verlag von M. & H. Marcus. 1907. pp. xxviii, 305. Appendix.

This treatise on the history of English mortgage law was written under the direction of Dr. Otto Gierke, Professor of Law at the University of Berlin, which circumstance is alone sufficient to stamp the work of Mr. Hazeltine as profound and illuminating. The need of an elaborate investigation into the development of English mortgage law has many times been felt by students of jurisprudence; its sources and growth have never before been adequately studied. In this field, therefore, Mr. Hazeltine is a pioneer. His articles in the *HARVARD LAW REVIEW* (vol. XVII. pp. 549-557 and vol. XVIII. pp. 36-50) summarize well the portion of the volume which treats of the gage of land in Mediæval England and are, moreover, good examples of the author's fine historical method. E. D. B.

THE LAW OF REAL PROPERTY. By Raleigh Colston Minor. In two volumes. University of Virginia: Anderson Brothers. 1908. pp. vi, 1038, 1038-1835. 8vo.

The law of real property is for the most part so ancient and well settled, and its rules have been stated and restated with such lucidity and insistence by the ablest common law minds since epochs immemorially antique, that one can almost assume that an intelligent man having access to the authorities will produce a sound statement of the law. Mr. Minor's book is, in fact, a clear,